

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**TORIA NEAL, on behalf of  
herself and all other similarly situated**

**PLAINTIFF**

**v.**

Civil Action No. 1:22cv171-SA-RP

**UNITED FURNITURE INDUSTRIES, INC.,  
and JOHN DOES 1-10**

**DEFENDANT**

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**CLASS ACTION COMPLAINT**

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**COMES NOW**, Plaintiff, Toria Neal, and files this Class Action Complaint against Defendant United Furniture Industries, Inc. on her own behalf and on behalf of potentially thousands of other employees, challenging Defendant's violation of the federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 et seq. (the "WARN Act").

**PARTIES**

1. Plaintiff Toria Neal is an adult resident of Lee County, Mississippi. Plaintiff worked for United Furniture Industries, Inc. from approximately July of 2014 through November 21, 2022.

2. Plaintiff brings this lawsuit as a Rule 23 class action on behalf of all affected employees who were employed by United Furniture Industries, Inc. and were terminated in connection with United Furniture Industries' terminations across the United States.

3. Defendant United Furniture Industries, Inc. ("United") is an Ohio corporation, headquartered in Tupelo, Mississippi.

### **JURISDICTION**

4. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 2104(a)(5).

5. This Court has personal jurisdiction over United, as it is headquartered in this District and conducts substantial business operations in this District.

### **STATEMENT OF FACTS**

6. United is furniture manufacturer that employed thousands of people across the United States.

7. Moments before midnight on November 21, 2022, United notified its employees, via email and text message, that it was terminating all of its employees effective immediately.

8. In its communication, United specified that the terminations were expected to be permanent, and all benefits would be terminated without provision of COBRA.

9. Except for over-the-road drivers, all employees were instructed not to return to work.

10. Plaintiff, like potentially thousands of other United employees, received an email on November 21, 2022, stating that she was being laid off, effective November 21, 2022.

11. United did not give 60 days advance written notice to its employees, as required by the federal WARN Act.

### **COUNT I – VIOLATION OF FEDERAL WARN ACT**

12. Plaintiff, by this reference, adopts and re-asserts all allegations, averments, and statements of fact contained in the preceding paragraphs of this Complaint.

13. Plaintiff and other affected employees who have worked for Unted are entitled to the rights, protections, and benefits provided under the federal WARN Act, 29 U.S.C. § 2101 *et seq.* 24.

14. Defendant is subject to the notice and back pay requirements of the federal WARN Act because United is a business enterprise that employed 100 or more employees, excluding part-time employees, and/or, employed 100 or more employees who in the aggregate work at least 4,000 hours per week (exclusive of overtime), as defined in the WARN Act. 29 U.S.C. §§ 2101(1)(A) and (B).

15. Defendant engaged in conducting mass layoffs but has not provided affected employees with the required notice under the federal WARN Act.

#### **JURY DEMAND**

16. Plaintiff requests a trial by jury on these claims.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff requests the Court enter the following relief:

- a. Declare and find that the Defendant has violated the federal WARN Act, 29 U.S.C. § 2101 *et seq.*;
- b. Certify this case as a class action;
- c. Award compensatory damages and penalties, in an amount according to proof;
- d. Award pre- and post-judgment interest;
- e. Award reasonable attorneys' fees, costs, and expenses; and
- f. Award any and all additional relief the Court may deem appropriate.

Respectfully Submitted,

**TORIA NEAL**

By:

  
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